

Crotty, J

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GIGANTIC MARKETING, INC.,

Plaintiff,

v.

MARGEOTESFERTITTAPOWELL LLC
d/b/a WE ARE GIGANTIC, and
NEIL POWELL,*Defendants.*

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: DEC 04 2007

Case No. 07-CV-6400 (PAC) (RLE)

ECF Case

**STIPULATION AND ORDER TO FILE
AMENDED COMPLAINT AND TO AMEND CAPTION**

Pursuant to Rule 15 of the Federal Rules of Civil Procedure and further to the pre-motion conference held on November 19, 2007 before the Honorable Paul A. Crotty, United States District Judge, the undersigned counsel for the parties hereby agree that Plaintiff, Gigantic Marketing, Inc. ("Gigantic"), may amend its Complaint in the above action to add MDC Partners Inc. ("MDC") as an additional defendant, including amending its Complaint to add certain claims against MDC. Gigantic shall file its Amended Complaint within ten (10) days after the Court has "So Ordered" this Stipulation and the same has been electronically docketed by the Clerk of Court.

The undersigned counsel for Defendants agrees that it will accept service of Plaintiff's Amended Complaint on behalf of MDC. Defendants, including MDC, shall thereafter have until January 10, 2008 to answer or otherwise respond to Plaintiff's Amended Complaint.

The parties further agree and stipulate by their undersigned counsel that, pursuant to the Federal Rules of Civil Procedure and the Local Rules of this Court, following Gigantic's filing of its Amended Complaint, the caption for the above action should be amended to read as follows:

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
GIGANTIC MARKETING, INC.,

Plaintiff,

v.

MARGEOTESFERTITTAPOWELL LLC
d/b/a WE ARE GIGANTIC,
NEIL POWELL, and
MDC PARTNERS INC.

Defendants.
-----X

Case No.: 07-CV-6400 (PAC) (RLE)

JURY TRIAL DEMANDED

ECF CASE

Dated: 12/3/07
New York, NY

Respectfully submitted,

DARBY & DARBY P.C.

By: 

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Date: December 1, 2007

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Attorneys for Defendants
MargeotesFertittaPowell LLC d/b/a We Are
Gigantic and Neil Powell

So Ordered:

Paul A. Crotty
Hon. Paul A. Crotty

Date:

12/4/2007